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SUBJECT: 2008 TRAFFICKING IN PERSONS (TIP) REPORT - MALI

REF: 08 STATE 132759

1.(U) This cable is Sensitive But Unclassified.

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3.(U) The following is post's 2008 TIP information report,
with responses keyed to questions 23-27 in reftel.

4.(U) THE COUNTRY'S TIP SITUATION (Reftel Question 23)

-- A. The lack of infrastructure, resources, and centralized data collection make any attempt at a comprehensive understanding of TIP statistics in Mali impossible. Some information on TIP is available through non-governmental organizations (NGOs) involved in anti-TIP activities and the U.N. International Labor Organization (ILO). The data collected by NGOs includes only those cases identified by NGO networks; as such, this data can be assumed to comprise a fraction of all trafficking cases. The Malian government does not keep current data on TIP.

-- B. Mali is a country of origin, transit, and destination for international trafficking. While there are notable cases of international trafficking, most trafficking occurs within Mali's borders for the purposes of forced labor. Press reports and other sources indicate that many Africans, including Malians, transit through Mali to Mauritania, Algeria, or Libya in hopes of reaching Europe. Accurate figures are not available; however, piecemeal data from NGOs indicate children are trafficked between Mali and Niger, Cote d'Ivoire, Guinea, Senegal, Burkina Faso and Nigeria. The largely unpopulated and sparsely-governed northern region is a common route for smugglers trafficking guns, drugs, commercial goods and perhaps human beings. From April 2008 to February 2009, Malian NGOs identified the following cases of trafficking:

- a group of seven children trafficked by a Koranic teacher from Burkina Faso to Mali, December 2008
- a group of 22 children Malian children trafficked to Burkina Faso, November/December 2008
- a group of seven Malian children trafficked to Niger, December 2008
- a group of 22 children trafficked to Niger by Koranic teachers, January 19, 2009

There have been no changes in this pattern since the 2007 TIP report.

-- C. Victims are trafficked into a variety of situations. Children are mostly trafficked into domestic servitude, agricultural work, begging, and mining. Young girls are predominantly trafficked into domestic positions and agricultural work while boys are forced to work in agricultural, begging, and mining positions.

-- D. While all groups risk being trafficked in Mali, children comprise the vast majority of trafficked persons. No singular ethnic group seems to be at particular risk, but poor, rural communities are more often the source of trafficked children than are urban or higher-income communities. There is evidence that hereditary relationships continue to informally link different ethnic groups, particularly in the north. Additionally, members of the black Tamachek community reportedly continued to live in forced servitude and were deprived of civil liberties by members of other ethnic groups, and forced servitude often extended to their children.

-- E. Most traffickers are believed to be involved with small, regionally-based groups or networks. There is no evidence of large international organizations involved in trafficking in or through Mali. Family friends, extended family, acquaintances and strangers have all been used to approach victims' families. Families are offered gifts or money for their children, with promises of more to follow if their children are allowed to work elsewhere. Another common tactic is for traffickers to offer education, whether religious or otherwise, to young boys to entice families to release children to the traffickers' care. Victims are moved using private vehicles and public transport.

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Mali is a large country. Its northern border is vast and is largely unregulated, given the lack of government resources. Border officers along other frontiers may occasionally be bribed to facilitate international trafficking. There is no evidence of regular use of certain businesses as a front for trafficking.

15. (U) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. Mali's government acknowledges that trafficking is a problem in the country.

-- B. Four government ministries are involved in anti-trafficking efforts: the Ministry for the Promotion of Women, Children, and the Family (MPFEF), the Ministry of Labor, the Ministry of Education and the Ministry of Internal Security and Civil Protection. MPFEF is the lead ministry and has, within its organization, an anti-trafficking department.

-- C. Mali's efforts are hampered by severe resource constraints. Mali ranked 173 of 179 on the UNDP's 2008 human development index, a ranking that clearly illustrates the limitations faced by Malian authorities seeking to combat trafficking. Security forces and the judiciary are underfunded and corruption is pervasive. Compounding these constraints is an apparent lack of communication between the various ministries charged with implementing anti-TIP activities. Poor government coordination on anti-TIP activities, widespread poverty, and lack of resources remain the largest obstacles to addressing TIP in Mali.

-- D. The Malian government lacks centralized monitoring and reporting mechanisms.

16. (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

-- A. Mali's law for criminalizing the trafficking of children is Article 244 of the criminal code enacted in 2001. It does not differentiate between victims of internal and

external trafficking. This article defines the trafficking of children as "the process by which a child is displaced in or outside the country under conditions that treat the child as merchandise with one or more people participating, regardless of the reasons for displacement. All acts dealing with the recruiting, transport, bartering, or sale of the child; and all acts which contribute to the displacement of the child inside or outside of a country will be punished by imprisonment of five to 20 years of any person convicted of trafficking a child." Articles 242 and 243 prohibit servitude and other unfair labor practices. Pimping is proscribed by Article 229. This law covers both internal and transnational trafficking. There are also laws prohibiting forced work, including forced prostitution. These laws are used for prosecuting trafficking cases. No new legislation has been enacted since the 2007 TIP report.

-- B. The penalty for sex trafficking, forcible sexual assault or rape is five to 20 years in jail. If the victim is younger than 15, the penalty is 20 years. There have been no changes since the 2007 TIP report.

-- C. The penalty for exploiting forced labor ranges from five to 20 years in jail. For labor recruiters who engage in the recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country, the Malian laws regarding trafficking only apply if the recruiting occurred in Mali. There have been no changes since the 2007 TIP report.

-- D. The penalty for rape or forcible sexual assault is the same as for sex trafficking, five to 20 years in jail.

-- E. During the reporting period, the government has not prosecuted any cases against human trafficking offenders. Three alleged traffickers who had been placed under arrest in March 2008 and were awaiting trial for the trafficking of 26 children - 2 Malian and 24 Guinean - were subsequently released, purportedly pending further investigation. There are no known cases of prosecution of labor recruiters using fraudulent practices for the purposes of trafficking, nor prosecutions in cases of employers who confiscate workers'

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documents or employ other methods to maintain workers in a state of service.

-- F. There is no uniform training for officials. In the reporting period, the government organized two training sessions on the collection and sharing of information on child trafficking. The training was addressed to personnel in charge of collecting information about trafficking.

-- G. Collaboration between Mali and neighboring countries remains good, resource limitations notwithstanding. During the reporting period, the Malian government collaborated with the governments of Niger, Guinea and Burkina Faso on two known trafficking cases to secure the repatriation of victims. No statistics or information about other joint investigations are available.

-- H. There have been no reports of extraditions or requests for extradition during the reporting period.

-- I. There is no evidence to suggest the Malian government has been involved in trafficking at the local or institutional levels. There may be a perception amongst some officials that some types of trafficking - such as the case of a parent or family member entrusting a child to a Koranic teacher who then exploits the child for labor - are less egregious and difficult to discern. This perception sometimes impedes the investigation and prosecution of alleged traffickers.

-- J. There are no known cases of government officials

involved in trafficking over the reporting period.

-- K. Prostitution is legal in Mali; the legal minimum age for prostitution is 18. Profiting from the activities of prostitution, or pimping, is prohibited and punishable by one to three years in prison.

-- L. Approximately 100 members of the Malian military are deployed worldwide in peacekeeping and observer missions. There have been no reports of them being involved in trafficking or exploitation.

-- M. Mali does not have an identified problem of child sex tourists coming to the country. Mali's laws pertain only to activities committed within its borders.

17. (U) PROTECTION AND ASSISTANCE TO VICTIMS

-- A. The government is unable to provide protections for victims or witnesses.

-- B. Due to a lack of resources, most services and facilities available to any trafficked victims are provided by NGOs and funded entirely through foreign grants. The only care facilities available to trafficked victims, all run by NGOs, are in Segou, Sikasso and Mopti. Some smaller facilities throughout Mali, run by religious institutions, may also provide some assistance to trafficked victims on an ad-hoc basis. No distinction is made between foreign and domestic victims by the NGOs. Most of these facilities specialize in the care of children. The Malian central government provides non-monetary assistance to these NGOs, including land and buildings. NGOs must pay the travel and per diem costs for government officials involved in public awareness campaigns and repatriation activities. The government is unable to quantify the value of assistance given.

-- C. The government relies on NGOs to assist with access to legal, medical, and psychological services.

-- D. Due to enormous resource constraints, the government focuses its assistance to foreign trafficking victims on repatriation.

-- E. The government does not provide longer-term shelter or housing benefits to victims or other resources to aid victims in rebuilding their lives.

-- F. While there is no formal referral process to transfer victims detained, authorities are well aware of local NGOs that provide assistance to trafficking victims. In addition, each of Mali's nine regions has a trafficking committee to provide coordination among village level surveillance

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committees.

-- G. Victims are usually identified by and referred to various NGOs. There are no figures available on the number of persons referred to the government or NGOs.

-- H. There is no formal system for authorities to identify victims of trafficking among high-risk persons with whom they come into contact. However, a number of NGOs have trained some government officials in regional workshops covering identification of trafficked victims and trafficking prevention.

-- I. Malian authorities respect the rights of trafficking victims. There have been no reports of jailing, fines, or mistreatment of victims.

-- J. Victims are not discouraged from assisting in the investigation of trafficking. No prosecutions have taken place over the reporting period. Victims may sue traffickers

and employers. Post is unaware of any attempts to impede access to legal redress by victims. As children comprise the vast majority of victims, the preference is to repatriate them to their home countries and families. The primary means by which a victim may obtain restitution is by civil suit.

-- K. In 2007, the government introduced a child trafficking component in the curriculum of the national police training academy. It focuses on identifying trafficked children. No specialized training is given to Malian diplomats. Mali's embassies and consulates do not have ongoing relationships with NGOs and IOs that serve trafficking victims, but do turn to them when seeking assistance for repatriating victims to Mali. There have been no reports on trafficking victims that have been assisted by Malian missions abroad during the reporting period.

-- L. The government relies on NGOs to assist with medical needs and reintegration of repatriated trafficking victims.

-- M. UNICEF, Save the Children, IOM, ILO, and local NGOs, such as Mali Enjeu and ENDA Tiers Monde, all work with trafficking victims. In addition, several religious missions are involved in anti-trafficking activities. These organizations undertake a broad range of activities, including research into trafficking and child labor, the primary reason for child trafficking; public awareness campaigns; the training of public officials; the provision of assistance with repatriation; and the provision of assistance to victims of trafficking, such as shelter. Local officials rely on these organizations for their anti-TIP activities, which would otherwise be severely restricted. The government is supportive of these activities.

18. (U) PREVENTION

-- A. The government participated in one public education campaign over the reporting period. This campaign was organized by a local NGO and travel and per diem costs of the participating government official was paid by the NGO. There is no estimate available of how many people were reached by this campaign. The campaign targeted potential trafficking victims, primarily children, as well as their families and communities. In addition, NGO campaigns target border police and bus, taxi, and truck drivers to help in identifying child trafficking and to encourage these groups to report suspicious activity to the authorities.

-- B. The government does not have the capacity to monitor immigration and emigration patterns for evidence of trafficking. Mali's borders are porous, and monitoring of the sparsely-populated northern region, thought to be a primary route for traffickers, is costly and difficult. Save the Children works with border officials to assist them in recognizing trafficking cases. In such cases, the children are repatriated with the assistance of Malian government officials and NGO networks.

-- C. Mali continued to work toward the creation of trafficking committees in each of Mali's eight regions to provide coordination among local surveillance committees, NGOs and the government. A National Steering Committee, established in 2006, met five times over the reporting period. The Committee is comprised of 43 members, including government ministries, NGOs, and civil society

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representatives.

-- D. The government of Mali's 2002 National Plan was drafted in collaboration with local and international NGOs, including CARE, WorldVision, Winrock International, and UNICEF, and created the division within the MPFEF that addresses trafficking. The National Plan also established a National Committee (Comite de Suivi et de Coordination du Plan d'Action) to coordinate activities with the responsible

ministries and NGOs. The Committee was intended to serve as a coordinating body and source of information for the various actors working trafficking issues. The MPFEF's Anti-Trafficking Department was intended to take the lead on assembling the Committee, which never became active. As cited above, the National Steering Committee, created by decree from the Ministry Labor, serves as the central active and coordinating body on trafficking issues. The government has made the National Plan available to government organizations and NGOs involved in anti-trafficking activities.

-- E. No activities have been conducted by the Malian government in furtherance of reducing the demand for commercial sex acts.

-- F. No activities have been conducted by the Malian government in furtherance of reducing the participation in international child sex tourism by Malian nationals.

-- G. As cited above, the Malian government currently has 100 members of the military deployed abroad as peacekeepers and observers. The government has not adopted any specific measures to ensure that those troops do not engage in order facilitate severe forms of trafficking or exploit victims of such trafficking. There have been no reported incidents of those individuals involved in trafficking or exploitation of victims of trafficking.

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